



ORIGINAL

PUBLIC MATTER

FILED

MAR 28 2008

STATE BAR COURT
CLERK'S OFFICE
LOS ANGELES

THE STATE BAR OF CALIFORNIA
OFFICE OF THE CHIEF TRIAL COUNSEL
SCOTT J. DREXEL, No. 065670
CHIEF TRIAL COUNSEL
PATSY J. COBB, No. 107793
DEPUTY CHIEF TRIAL COUNSEL
JAYNE KIM, No. 174614
ASSISTANT CHIEF TRIAL COUNSEL
PAUL T. O'BRIEN, No. 171252
SUPERVISING TRIAL COUNSEL
WILLIAM F. STRALKA, No. 056147
DEPUTY TRIAL COUNSEL
1149 South Hill Street
Los Angeles, California 90015-2299
Telephone: (213) 765-1091

THE STATE BAR COURT

HEARING DEPARTMENT - LOS ANGELES

| | |
|-----------------------------------|----------------------------------|
| In the Matter of |) Case No. 08-O-10885 |
| |) |
| MICHAEL HENRY MAURICE TODARO, |) |
| No. 170248, |) NOTICE OF DISCIPLINARY CHARGES |
| |) |
| <u>A Member of the State Bar.</u> |) |

NOTICE - FAILURE TO RESPOND!

IF YOU FAIL TO FILE AN ANSWER TO THIS NOTICE WITHIN THE TIME ALLOWED BY STATE BAR RULES, INCLUDING EXTENSIONS, OR IF YOU FAIL TO APPEAR AT THE STATE BAR COURT TRIAL, (1) YOUR DEFAULT SHALL BE ENTERED, (2) YOU SHALL BE ENROLLED AS AN INACTIVE MEMBER OF THE STATE BAR AND WILL NOT BE PERMITTED TO PRACTICE LAW UNLESS THE DEFAULT IS SET ASIDE ON MOTION TIMELY MADE UNDER THE RULES OF PROCEDURE OF THE STATE BAR, (3) YOU SHALL NOT BE PERMITTED TO PARTICIPATE FURTHER IN THESE PROCEEDINGS UNLESS YOUR DEFAULT IS SET ASIDE, AND (4) YOU SHALL BE SUBJECT TO ADDITIONAL DISCIPLINE.

STATE BAR RULES REQUIRE YOU TO FILE YOUR WRITTEN RESPONSE TO THIS NOTICE WITHIN TWENTY DAYS AFTER SERVICE.

IF YOUR DEFAULT IS ENTERED AND THE DISCIPLINE IMPOSED BY THE SUPREME COURT IN THIS PROCEEDING INCLUDES A PERIOD OF ACTUAL SUSPENSION, YOU WILL REMAIN SUSPENDED FROM THE PRACTICE OF LAW FOR AT LEAST THE PERIOD OF TIME SPECIFIED BY THE SUPREME COURT. IN ADDITION, THE ACTUAL SUSPENSION WILL CONTINUE UNTIL YOU HAVE REQUESTED, AND THE STATE

BAR COURT HAS GRANTED, A MOTION FOR TERMINATION OF THE ACTUAL SUSPENSION. AS A CONDITION FOR TERMINATING THE ACTUAL SUSPENSION, THE STATE BAR COURT MAY PLACE YOU ON PROBATION AND REQUIRE YOU TO COMPLY WITH SUCH CONDITIONS OF PROBATION AS THE STATE BAR COURT DEEMS APPROPRIATE. SEE RULE 205, RULES OF PROCEDURE FOR STATE BAR COURT PROCEEDINGS.

The State Bar of California alleges:

JURISDICTION

1. MICHAEL HENRY MAURICE TODARO ("Respondent") was admitted to the practice of law in the State of California on June 4, 1994, and was a member of the State Bar of California at all times pertinent to these charges.

COUNT ONE

Case No. 08-O-10885
Business and Professions Code, section 6068(k)
[Failure to Comply with Conditions of Probation in Case No. S154340]

2. Respondent wilfully violated Business and Professions Code, section 6068(k), by failing to comply with all conditions attached to any disciplinary probation, as follows:

3. On or about May 5, 2007, Respondent entered into a Stipulation as to Facts, Conclusions of Law and Disposition (“Stipulation”) with the State Bar in case nos. 05-O-03199 and 06-O-11062.

4. On or about May 16, 2007, the Hearing Department of the State Bar Court filed the Stipulation and Order approving Stipulation, later modified by its order of June 28, 2007, making disciplinary recommendations to the California Supreme Court, including actual suspension, a period of stayed suspension, and probation on conditions set forth in detail below.

5. On or about September 5, 2007, the California Supreme Court filed an Order (“Order”) in case no. S154340 (State Bar Court case nos. 05-O-03199 and 06-O-11062), that Respondent be suspended from the practice of law for one year, that execution of suspension be stayed, and that Respondent be placed on probation for two (2) years subject to the conditions of probation including three (3) months actual suspension as recommended by the State Bar Court Hearing Department in its Order Approving Stipulation filed on May 16, 2007, later modified by its order filed June 28, 2007.

1 6. On or about September 5, 2007, the Clerk of the California Supreme Court
2 properly served the Respondent with a copy of the September 5, 2007, Supreme Court Order.
3 Respondent received the Order.

4 7. The September 5, 2007, Supreme Court Order became effective on October 5,
5 2007, thirty days after it was filed.

6 8. Pursuant to the September 5, 2007, California Supreme Court Order and the State
7 Bar Court Hearing Department's May 16, 2007, Stipulation and Order Approving the Stipulation
8 as modified by its order filed June 28, 2007, the Respondent was ordered to comply with the
9 following relevant conditions of probation, among other conditions:

10
11 Within thirty (30) days from the effective date of discipline, Respondent must
12 contact the Office of Probation and schedule a meeting with Respondent's
13 assigned probation deputy to discuss these terms and conditions of probation.
14 Upon the direction of the Office of Probation, Respondent must meet with the
15 probation deputy either in-person or by telephone. During the period of
16 probation, Respondent must promptly meet with the probation deputy as directed
17 and upon request.

18
19 Respondent must submit written quarterly reports to the Office of Probation on
20 each January 10, April 10, July 10, and October 10 of the period of probation.
21 Under penalty of perjury, Respondent must state whether Respondent has
22 complied with the State Bar Act, the Rules of Professional Conduct, and all
23 conditions of probation during the preceding calendar quarter. Respondent must
24 also state whether there are any proceedings pending against him or her in the
25 State Bar Court and if so, the case number and current status of that proceeding.
26 If the first report would cover less than 30 days, that report must be submitted on
27 the next quarter date, and cover the extended period.
28

9. Respondent had actual knowledge of the Orders and conditions of probation at all relevant times herein from the effective date of his probation and at all times during the pendency of his probation in case no. S154340.

10. The following conditions have not been met in a timely manner by Respondent:

1. Contact the Office of Probation and schedule a meeting with Respondent's assigned probation deputy - no meeting scheduled within thirty (30) days of the effective date of discipline.

2. Submit written quarterly report to the Office of Probation due January 10, 2008 - not submitted.

11. By wilfully failing to comply or timely comply with the Supreme Court's September 5, 2007, Order to contact the Office of Probation and schedule a meeting with his assigned probation deputy within thirty (30) days of the effective date of discipline, and by failing to submit a written quarterly report to the Office of Probation, Respondent wilfully failed to comply with all conditions attached to a disciplinary probation in case no. S154340.

COUNT TWO

Case No. 08-O-10885

Business and Professions Code, section 6103
[Failure to Comply with Court Order in Case No. S154340]

12. Respondent wilfully violated Business and Professions Code, section 6103, by wilfully disobeying or violating an order of the court requiring him to do or forbear an act connected with or in the course of Respondent's profession which he ought in good faith to do or forbear, as follows:

13. The allegations of paragraphs 3 through 10 are incorporated by reference.

14. By failing to contact the Office of Probation and schedule a meeting with his assigned probation deputy within thirty (30) days of the effective date of his discipline, and by failing to submit a written quarterly report to the Office of Probation, Respondent wilfully disobeyed or violated an Order of the court requiring him to do or forbear an act connected with or in the course of Respondent's profession, which he ought in good faith to do or forbear.

- 1
- 2
- 3
- 4
- 5
- 6
- 7
- 8
- 9
- 10
- 11
- 12
- 13
- 14
- 15
- 16
- 17
- 18
- 19
- 20
- 21
- 22
- 23
- 24
- 25
- 26
- 27
- 28

- 2
- 3
- 4
- 5
- 6

7
89
10
11

12

13

14

15
16

10

17

18

1
2
3
4
5
6
7
8
9
0
1
2
3
4
5
6
7
8
9
0
1
2
3
4
5
6
7
8
9
0


I, the undersigned, over the age of eighteen (18) years, whose business address and place of employment is the State Bar of California, 1149 South Hill Street, Los Angeles, California 90015, declare that I am not a party to the within action; that I am readily familiar with the State Bar of California's practice for collection and processing of correspondence for mailing with the United States Postal Service; that in the ordinary course of the State Bar of California's practice, correspondence collected and processed by the State Bar of California would be deposited with the United States Postal Service that same day; that I am aware that on motion of party served, service is presumed invalid if postal cancellation date or postage meter date on the envelope or package is more than one day after date of deposit for mailing contained in the affidavit; and that in accordance with the practice of the State Bar of California for collection and processing of international mail, I deposited or placed for collection and mailing in the City and County of Los Angeles, on the date shown below, a true copy of the within

in a sealed envelope placed for collection and mailing as international mail, return receipt requested, Article No.: A 004 238 446, at Los Angeles, on the date shown below, addressed to:

in an inter-office mail facility regularly maintained by the State Bar of California addressed to:

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct. Executed at Los Angeles, California, on the date shown below.

SIGNED:


 Frances Gonzalez
 Declarant